

REMARKS/ARGUMENTS

Claims 1 and 9 are currently pending in the application.

The specification has been amended to include corrections to the Related Applications information. The amendments are supported by the application as originally filed. No new matter has been included as a result of these amendments.

PRELIMINARY AMENDMENT

The Preliminary Amendment dated February 6, 2004 was filed without signature by Bacon & Thomas, PLLC, the former Attorney of Record. The Examiner has required a Statement ratifying the unsigned Preliminary Amendment (Office Action, page 2). Applicants as represented by new Attorney of Record submit herewith a Statement ratifying the unsigned Amendment. Entry of the Preliminary Amendment is respectfully requested.

SPECIFICATION

The specification has been objected to for containing incorrect information in the Related Applications paragraph (Office Action, page 2). The Examiner has required correction to include the correct serial number and patent number for the parent application. *Id.* Applicants have amended the specification to include the correct information for the parent case, including recitation of "U.S. Application No. 10/380,763" and "U.S. Patent No. 6,723,703." In addition, the specification has been amended to indicate the correct filing date for the parent case. Applicants note that the filing date of a U.S. national stage application is the filing date of the corresponding international application, not the date of national stage entry (see, e.g., 35 U.S.C. §363; MPEP §1893.03(b)). Thus, the filing date of parent U.S. Application No. 10/380,763 is October 15, 2001, which is the filing date for corresponding International Application PCT/US01/27768. Withdrawal of this objection is respectfully requested.

DOUBLE PATENTING

Claim 1 has been rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,723,703 (Office Action, page 3). Claim 9 has been rejected on the same grounds as being unpatentable over claims 1 and 7 of U.S. Patent No. 6,723,703. *Id.* Applicants respectfully traverse this rejection. Applicants have

filed herewith a Terminal Disclaimer of U.S. Patent No. 6,723,703. The Terminal Disclaimer has been submitted solely to expedite patent prosecution in accordance with the U.S. Patent Office Business Goals (65 Fed. Reg. 54604 (September 8, 2000)). Withdrawal of this ground of rejection is respectfully requested.

CONCLUSION

Applicants believe that the claims as amended are patentable and a prompt allowance is respectfully requested. If further discussion of this case is deemed helpful, the Examiner is encouraged to contact the undersigned at the telephone number provided below, and is assured of full cooperation in progressing the instant claims to allowance.

Respectfully submitted,



Date: January 10, 2005

Ivor R. Elrifi, Reg. No. 39,529
Caryn DeHoratius, Reg. No. 45,881
Attorneys for Applicants
MINTZ, LEVIN, COHN, et al.
666 Third Avenue, 24th Floor
New York, New York 10017
Telephone: (212) 935-3000
Telefax: (212) 983-3115

University of Virginia Patent Foundation
Minutes of Board of Directors Meeting
April 5, 1999

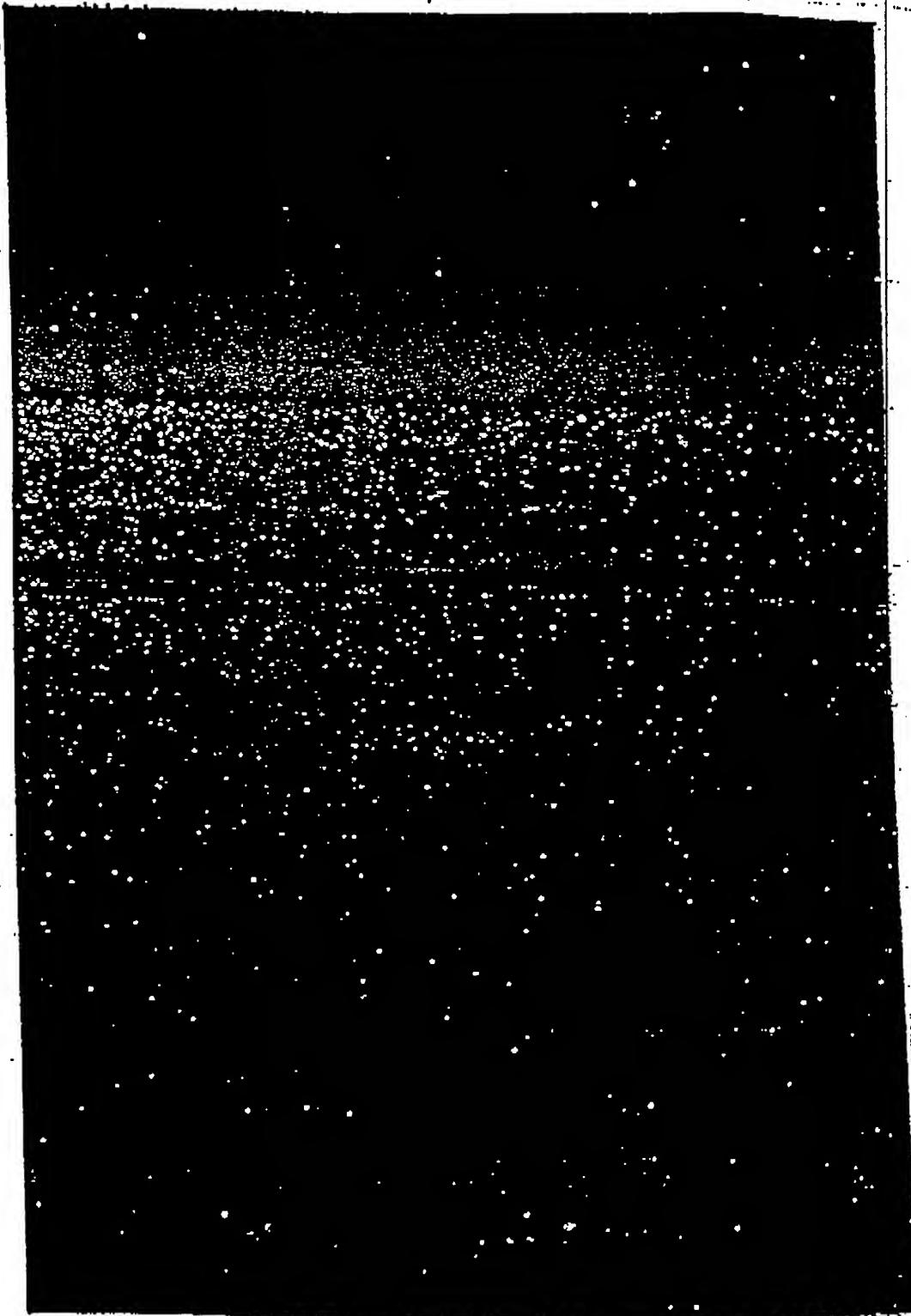
The Board of Directors of the University of Virginia Patent Foundation (the "Foundation") met on April 5, 1999, at the Foundation's offices in Charlottesville, Virginia, beginning at 5:05 p.m.

Directors Present: Haydn N.G. Wadley (Chairman), Gene D. Block, Charles E. Hamner, Jr. (by telephone)*, John C. Herr***, Erik L. Hewlett, Thomas C. MacAvoy, and Michael H. Van Franken (by telephone).

* Mr. Hamner joined the meeting at 5:55 p.m.

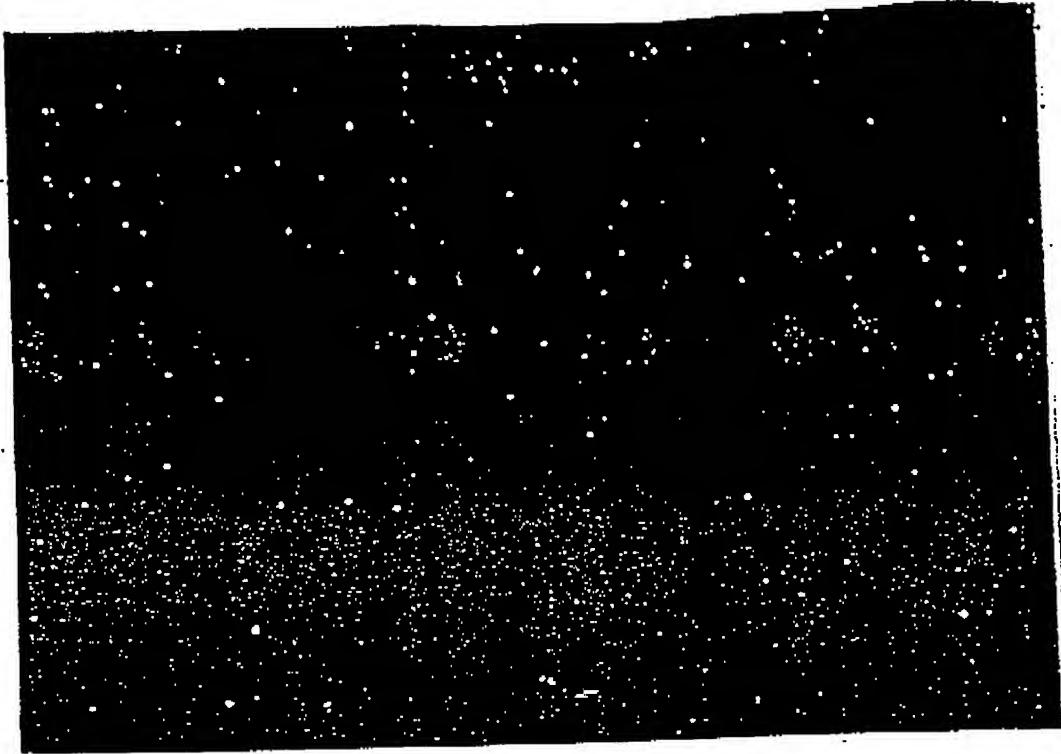
** Mr. Herr entered the meeting at 5:20 p.m.

Also Present: Tracey Goyette Cole, Robert S. MacWright, Dave Hudson, and Amy Suffredini.



2

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Mr. MacWright asked the Board to authorize in-house Patent Counsel to sign documents related to the prosecution of foreign and domestic patents. After discussion, and upon motion duly made, seconded, and carried, it was

RESOLVED, in accordance with Section 5.01 of the Bylaws, that in-house Patent Counsel are authorized to execute all documents necessary or beneficial for the prosecution of foreign and domestic patents on behalf of the Foundation, including, but not limited to domestic and foreign powers of attorney, assignments to the Foundation, and letters of engagement with outside patent counsel.

There being no further business, the meeting adjourned.

Eric L. Herlett
Secretary